

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL SECTION**

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**LOUIS ALBERGHINI,
Plaintiff,**

V.

**SIMONDS INDUSTRIES, INC.,
Defendant.**

CIVIL ACTION NO. 04-40092-FDS

PLAINTIFF'S MOTION FOR LEAVE TO FILE A SURREPLY MEMORANDUM

AND NOW COMES the Plaintiff, Louis Alberghini ("Mr. Alberghini") and requests leave to file a surreply to Defendant's reply Memorandum to Plaintiff's Opposition to Defendant's Motion for Summary Judgment. Because the defendant has alleged that Plaintiff has made misstatements of fact and other inaccuracies, the Court will be assisted by the Plaintiff's surreply in deciding the motion for summary judgment and the Defendant will not be prejudiced due to its own overstatement of the facts. In support of this request, the Plaintiff submits the attached memorandum of law and relies on his previous opposition and the record in this matter.

WHEREFORE, Plaintiff, Louis Alberghini respectfully requests that he be permitted to file a Surreply memorandum to Defendant's Reply Memorandum to Plaintiff's Opposition to Summary Judgment.

LOUIS ALBERGHINI,
The plaintiff
by his attorneys,

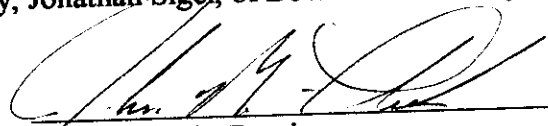


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Dated: November 14, 2005

CERTIFICATE OF SERVICE

I, John M Flick, Esquire, hereby certify that I have this day served a true copy of the foregoing by hand delivery to Defendant's attorney, Jonathan Sigel, of Bowditch & Dewey, LLP, 311 Main Street, Worcester, MA 01615.



John M. Flick, Esquire